

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PAOLA A. ZORRILLA,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

No. 3:12-cv-01188

**Judge Nixon
Magistrate Judge Brown**

ORDER


Plaintiff Paola A. Zorrilla seeks review of the Social Security Administration's ("SSA") determination that she is not disabled under the Social Security Act. (*See* Doc. Nos. 1; 12; 22; 23; 30; 31.) Magistrate Judge Brown issued a Report and Recommendation ("Report") recommending that the SSA's decision be affirmed. (Doc. No. 33 at 40.) In response, Zorrilla requested "fair judgments" (Doc. No. 36) and provided additional medical evidence from September 2014 and January 2015 indicating her condition has deteriorated (Doc. Nos. 37; 38).

Plaintiffs seeking review in light of medical evidence not presented to the Administrative Law Judge ("ALJ") must demonstrate (i) "the evidence at issue is both 'new' and 'material,' and (ii) that there is 'good cause for the failure to incorporate such evidence into the record in a prior proceeding.'" *Hollon ex rel. Hollon v. Comm'r of Soc. Sec.*, 447 F.3d 477, 483 (6th Cir. 2006) (quoting 42 U.S.C. § 405(g)). However, "[e]vidence of a subsequent deterioration or change in condition after the administrative hearing is deemed immaterial." *Wyatt v. Sec'y of Health & Human Servs.*, 974 F.2d 680, 685 (6th Cir. 1992). Zorrilla's evidence that her condition has deteriorated since the hearing is neither material nor grounds for remand. However, Zorrilla may present a new claim for benefits based on a time period not considered by the ALJ.

Upon review of this matter, the Court finds Magistrate Judge Brown's Report to be well-founded and **ADOPTS** it in its entirety. Accordingly, the Court hereby **AFFIRMS** the decision of the Commissioner. The Clerk of the Court is **DIRECTED** to close the case.

It is so ORDERED.

Entered this the 16th day of July, 2015.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT